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EXTRAORDINARY PART II—Section 3—Sub-section (ii) PUBLISHED BY AUTHORITY

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MINISTRY OF LABOUR & EMPLOYMENT

NOTIFICATION

New Delhi, the 14th December 1961

S.O. 2983.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following scheme further to amend the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Calcutta Unregistered Dock Workers (Regulation of Employment) Second Amendment Scheme, 1961.

2. In clause 3 of the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, hereinafter referred to as the said Scheme after item (a), the following item shall be inserted namely:—

“(aa) ‘Administrative Body’ means the Administrative Body appointed under clause 5 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956.”

3. After clause 6 of the said Scheme, the following clause shall be inserted, namely:—

“6-A. *Functions of the Administrative Body.*—The Administrative Body shall be responsible for the administration of this Scheme, under the control and supervision of the Chairman, and shall in particular be responsible for—

(a) the allocation of the listed workers in the pools constituted under clause 9-B who are available for work, to the listed employers and for this purpose the Administrative Body shall—

(i) be deemed to act as an agent for the listed employer;

(ii) make the fullest possible use of the listed workers in each pool; and

(iii) provide for the maintenance of records of employment and earnings;

(b) the payment, as agent of the listed employer, to each listed dock worker of all earnings due to the worker from the employer; and

(c) authorising the employment of unlisted workers if listed workers are not available for work in the pool(s) or in such circumstances as the Chairman may approve.

4. In sub-clause (1) of clause 9-A of the said Scheme, for the second sentence, the following sentence shall be substituted, namely:—

“The names of monthly workers, if any, shall be arranged separately in the list”.

5. In clause 9-B—

(i) in sub-clause (1), after the words “sub-list of workers”, the words and brackets “(excluding monthly workers)” shall be inserted.

(ii) in sub-clause (2), for the provisos the following provisos shall be substituted, namely:—

“Provided that baggers shall be employed in gangs, each gang consisting of four workers and in their case the allotment of work by rotation shall be by gangs:

Provided further that each listed employer shall be entitled to employ his monthly workers in preference to listed workers in the pool.”

6. Clauses 9-C, 9-D and 9-E shall be omitted.

7. For clauses 11, 12 and 13 the following clauses shall respectively be substituted, namely:—

“11. *Obligations of listed employer.*—(1) Every listed employer shall be bound by the provisions of this Scheme.

(2) Every listed employer shall pay to the Board such administrative charges as may be fixed by the Board from time to time.

(3) Subject to the provisions of clause 9-B, a listed employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 6-A.

(4) A listed employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.

(5) A listed employer shall lodge with the Administrative Body, unless otherwise directed, a certificate of the output of the gang of baggers at the end of the shift in which the gang worked and such other information as may be required in respect of the listed workers employed by him.

(6) A listed employer shall pay to the Administrative Body in such manner and at such times as the Chairman may direct the administrative charges payable under sub-clause (2) and the gross wages due to the dock workers.

(7) A listed employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Chairman upon reasonable notice all such records and any other documents of any kind relating to listed dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or direction issued by or on behalf of the Board.

12. *Obligations of listed workers.*—(1) Each listed worker shall be deemed to have accepted the obligations of this Scheme.

(2) A listed dock worker in the pool who is available for work shall be deemed to be in the employment of the Board.

(3) A listed dock worker in the pool who is available for work shall not engage himself for employment under a listed employer unless he is allocated to that employer by the Administrative Body.

(4) A listed dock worker in the pool who is available for work shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points on such days and at such times as may be specified by the Administrative Body;

(b) accept any employment in connection with dock work whether in the category or sub-category in which he has been listed or in any other

category or sub-category for which he is considered suitable by the Administrative Body.

- (5) A listed dock worker who is available for work when allocated by the Administrative Body for employment under a listed employer shall carry out his duties in accordance with the directions of such listed employer or his authorised representative or supervisor and the rules of the port or place where he is working.

13. *Restriction on employment.*—Subject to the provisions of clauses 1 and 6-A, no person other than a listed employer shall employ any worker on dock work nor shall a listed employer engage for employment or employ a worker on dock work unless that worker is a listed worker."

8. For sub-clauses (3) and (4) of clause 14, the following sub-clauses shall be substituted, namely:—

"(3) A listed dock worker in the pool who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Personnel Officer, who may after investigating the matter give him a warning in writing or suspend him for a period not exceeding seven days.

(4) Where in the opinion of the Personnel Officer a higher punishment than that provided in sub-clause (3) is merited, he shall report the case to the Deputy Chairman.

(5) On receipt of the written report from the Personnel Officer under sub-clause (4) or from the Administrative Body that a listed dock worker in the pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has been inefficient in any other manner, the Deputy Chairman may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:—

- (a) give him a warning in writing;
- (b) suspend him for a period not exceeding 3 months;
- (c) terminate his services after giving 14 days' notice; or
- (d) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him. A copy of the final order shall also be communicated to the person concerned.

(7) The Administrative Body shall be informed simultaneously about the action taken under this clause."

9. For clause 16, the following clause shall be substituted, namely:—

"16. *Appeals by workers.*—(1) A listed worker in the pool, who is aggrieved by an order passed by the Personnel Officer or the Deputy Chairman under clause 14 may appeal to the next higher authority namely, the Deputy Chairman or the Chairman, as the case may be.

(2) A dock worker, who has been refused listing under clause 9 may appeal to the Board.

(3) Every appeal under sub-clause (1) or sub-clause (2) shall be in writing and preferred within 14 days of the receipt of the order appealed against and the order passed on such appeal shall be final:

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days."

[No. F. 529/17/61-Fac.]

K. N. SUBRAMANIAN, Jt. Secy.

